

REMARKS

The indication of allowance of claims 11 and 12 is acknowledged and appreciated. However, upon consideration of the following, it is believed that the Examiner will agree that applicant is also entitled to the broader protection defined in claims 1 - 10 and 13 - 19.

The present invention is directed to a theme calendar comprising marker elements removably mountable at date locations and target locations on substrate support means. A pictorial design including a plurality of target locations is also carried on the substrate support means. The marker elements include design features that are visible from the front of the calendar when the marker element is mounted to the substrate support means at the target locations. In this manner, movement of the marker elements from the date locations to the target locations reveals a first text message at the date locations and completes or modifies the pictorial design or forms a second text message at the target locations.

Claim 1 has been amended to recite that the pictorial design includes a plurality of "separate target locations, each having a distinguishing designation for removably mounting an associated one of said marker elements having a corresponding designation". When the

marker elements are moved to the associated target locations, the pictorial design is completed or modified, or a second text message is formed, at the target locations "with said marker elements mounted in said associated separate target locations". In a similar manner, newly presented claim 16 recites that the pictorial design includes a plurality of "disjunct and coded" target locations and that the pictorial design or second text message is formed "with said marker elements mounted in said associated disjunct and coded target locations".

The claim amendments and newly presented claim are supported, for example, by the first embodiment and the recitation of "coded" target locations is particularly supported at page 2, lines 29-31. Claims 13-15 and 17-19 are also supported by the first embodiment.

It is requested that the Examiner reconsider and withdraw the rejection of claims 1 - 10 as unpatentable under 35 USC 103(a) over US patent 5,799,423 to Malino in view of US patent 5,934,707 to Johnson. As discussed below, even if it is assumed there is motivation for combining the references and modifying Malino, Johnson provides no teaching that would suggest modification of Malino to meet the claimed invention.

Malino discloses a calendar having date locations 28 and marker elements 32. As acknowledged by the Examiner, Malino does not teach a target location for the markers when they are not on the date locations.

Johnson discloses a message calendar for engaging in specified activities on a selected date. To that end, date indicia 14 is provided on a panel 12 and an activity is proposed by marking a selected date with a mask 16, 18 or 20. The panel 12 has a frontal surface area 32 devoid of date indicia 14. The area 32 is sized to accommodate temporary storage of the masks 16, 18, 20 by adhering the masks thereto. (Column 3, lines 31-34.)

The area 32 is devoid of date indicia or any other pictorial markings as stated and illustrated by Johnson. Accordingly, even if the teachings of Johnson are combined with those of Malino, the combination does not disclose or suggest the claimed pictorial design carried on the substrate means with:

"said pictorial design including a plurality of separate target locations, each having a distinguishing designation for removably mounting an associated one of said marker elements having a corresponding designation, ... movement of said marker elements from said date locations to said associated target locations revealing a first text message at said date locations and completing or

modifying said pictorial design or forming a second text message at said target locations with said marker elements mounted in said associated separate target locations".

Johnson does not disclose the claimed pictorial design including designated and separate target locations that cooperate with the marker elements to complete or modify that the pictorial design or to form a second text message at the target locations.

Similarly, Johnson does not disclose the claimed "disjunct and coded" target locations of claim 16.

The combined Malino and Johnson teachings also fail to disclose target locations comprising "numbered distinct areas of the pictorial design" as set forth in claims 13 and 17.

The combined Malino and Johnson teachings also fail to disclose marker elements that complete or modify the pictorial design and form a second text message at the target locations as set forth in claims 15 and 19.

For all of the foregoing reasons, it is respectfully submitted that claims 1-19 presently of record are in condition for final allowance and such action is requested.

If there are any further fees required by this communication, please charge the same to Deposit Account No. 16-0820, Order No. 35023US1.

Respectfully submitted,

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